

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ARISE FOR SOCIAL JUSTICE; ¿OISTE?;
NEW ENGLAND STATE-AREA
CONFERENCE OF THE NAACP; REV.
TALBERT W. SWAN, II; NORMAN W.
OLIVER, DARLENE ANDERSON,
GUMERSINDO GOMEZ; FRANK BUNTIN;
RAFAEL RODRIQUEZ; and DIANA NURSE,

Plaintiffs,

v.

CITY OF SPRINGFIELD and SPRINGFIELD
ELECTION COMMISSION,

Defendants.

Civil Action No. 05-30080 MAP

TRIAL AFFIDAVIT OF MICHAELANN BEWSEE

I, Michaelann Bewsee, hereby certify as follows:

1. I am a citizen of the United States and I am registered to vote in Springfield, Massachusetts. I have personal knowledge of the facts stated in this Affidavit.
2. I was born and raised in Springfield, and I graduated from Cathedral High School in Springfield. Except for a period of approximately 10 years, I have lived in Springfield my entire life. Currently, I reside at 62 Bay Street, which is located in Ward 4. My neighborhood is predominantly African American, but increasing numbers of Latino residents are moving to my neighborhood as well.

3. In 1985, three other mothers on welfare and I founded Arise for Social Justice ("Arise"). Arise is a grassroots organization of low-income people that has members throughout Western Massachusetts. Our purposes are: (1) to educate, organize and unite low-income working people and people on entitlement programs to know what our rights are, to stand up for those rights, and to achieve those rights; (2) to educate the community at large as to its common interest in social justice for all; (3) to promote involvement in the electoral process; (4) to develop our self-esteem, and (5) to teach ourselves to fight oppression in all its manifestation.

4. Arise maintains an office at 94 Rifle Street, Springfield, 01105, which is in Ward 3, precinct E. I estimate that approximately 5% of the residents in Arise's neighborhood are white, and that the remaining residents are evenly divided between African Americans and Latinos.

5. I estimate that between 80 and 100 people either visit or call Arise every week. They seek help for a variety of reasons, ranging from the political to bread-and-butter. Many people need food, shelter, clothing, affordable housing, help with the Department of Social Services or with welfare. We run a food pantry on Mondays. We sometimes are asked to assist people who want to make formal complaints about police misconduct. We provide public access to computers in our office, and we also provide instruction about email and the internet. We conduct anti-racism and other workshops, and we organize voter registration drives. We promote participation through community education on issues such as voting rights, ward representation, and needle exchange.

6. Of the people who come to Arise, approximately 40% are African-American, 53% are Latino, and 7% are Caucasian.

7. In my work with Arise, I regularly receive information from people of color in Springfield about their living circumstances, the attitudes they hold, and the issues they face, including such issues as voting rights, housing, safety, education, and health. I hear complaints. I advise people and interact with government on their behalf. As a result of my work, I am in a position to make observations about the living circumstances of African Americans and Latinos in Springfield and about their attitudes toward the City government.

8. Arise is a 501(c)(3) tax exempt organization, so we do not endorse specific candidates for election. Because people in the community identify me so closely with Arise, as a general matter I do not participate in campaigns for specific candidates. However, in the 1980s I volunteered on Jesse Jackson's presidential campaigns. I volunteered more recently to help Carol Lewis-Caulton run for City Council in 1999 and 2001.

9. My long-time residence in Springfield, my work at Arise, and my work on voter registration, ward representation, political campaigns, and other issues involving City government have placed me in a position to be knowledgeable about voting in Springfield and the impact of the at-large system in the election of Springfield's City Council and School Committee.

10. I have observed that many African American and Latino residents face similar challenges relating to widespread poverty and not having enough resources to get by day-to-day. There is not enough affordable housing in Springfield. The Section 8 wait list is very long. Housing is becoming increasingly substandard, but rents remain too high for many people to afford. Unemployment is a significant problem in Springfield, especially among people of color.

11. Many people of color in Springfield have had terrible experiences with the criminal justice system and with the police in particular. Many African Americans and Latinos are afraid to initiate interactions with the police because they do not know whether they will be treated with respect or accused themselves. People are afraid to report inappropriate conduct by police officers for fear of retaliation.

12. The police are more likely to charge people in the City's communities of color with loitering or other offenses that generally are not enforced against white residents who live in predominantly white areas of the city. People often are afraid to complain about police misconduct if they have a charges pending against them out of fear that their complaint will affect the outcome of their case.

13. There is a long and troubling history of police brutality against African Americans and Latinos in Springfield, as well as a history of no accountability. The police officer involved in the Ben Schoolfield shooting was allowed to return to the force. An officer who was videotaped kicking a suspect in the head also was allowed to return. The officers who responded when a school principal went into a diabetic coma in his car at a gas station, and who broke his car window, dragged him through, and manhandled him were not punished by the City. These incidents are well known in the community and lead many people to believe that it is pointless to complain about incidents of misconduct.

14. Edward A. Flynn, the new Police Commissioner, is a polarizing figure. At his request, the civilian Police Commission was disbanded when he took his job. His focus is on improving quality of life in the downtown area, and a major emphasis has been on clearing the

downtown area of homeless people. He once described homeless people as “the have nots, the cannots, and the will nots.”

15. Flynn’s remarks about crime victims have been polarizing as well. Recently, in response to the shooting death of an 18-year-old and the shootings of several others at Kennedy Fried Chicken, he said something to the effect that he did not consider them to be victims, referring, he said, to the fact that the people who were shot had outstanding police records. He once made another comment to the effect that, “We share in the national tragedy of having large amounts of poverty and single female heads of households, so surprise surprise, we have more violence.” These remarks are reported in the Springfield news media and are well-known throughout the city. They send a message to officers on the street that not everyone’s safety is equally valued. His comments make civilians fear that the police are not genuinely interested in their safety. This is especially true for African American and Latino residents, who are more likely to be crime victims than white residents.

16. Many people of color I have spoken to have the misperception that they cannot vote if they have been convicted of a felony. A higher percentage of the African-American and Latino community have criminal records, so this confusion disproportionately affects these groups.

17. Based on my experience in the Springfield community, I believe that the at-large system of electing members of the city council and the school committee negatively affects people of color.

18. Sometimes I ask people who come to Arise, “Who represents you on the City Council?” No one knows the correct answer. Technically, the correct answer is “everyone,” but

in practical terms, it is nobody. Many people who come into our office – particularly African Americans – call Representative Ben Swan’s office when they need assistance, partly because they believe he represents the particular neighborhood in which they live. They do not call on members of the City Council or School Committee as often, because they do not think of the members of the City Council or School Committee as their representatives.

19. The effect of ward representation would be overwhelmingly positive for the African-American and Latino communities. First, candidates would spend an increased amount of time knocking on doors, letting everyone know that they were running for City Council. Even voters who do not personally meet the candidates would be aware that candidates were in their neighborhood. Candidates would build on their existing relationships with communities. Candidates competing to represent a specific geographic area could create meaningful debate. When it came time for officials to run for reelection, they more easily could be held accountable by voters who would know what had been accomplished in their neighborhoods since the last election.

20. Currently, there are two main ways that Springfield voters learn about the City Council and upcoming elections—first, through television advertisements, mostly shown the week before the election, and second, through direct mail from candidates. Some councilors go to different neighborhood events while campaigning on the eve of the election. However, none consistently express a desire to meet with the minority neighborhoods in the city to find out what issues they face, and after being elected are rarely seen in the inner city.

21. Voters do not consider the white candidates for City Council and School Committee to be directly competing against each other, due to the fact that each candidate

competes for one of several seats. Voters do consider African American candidates to be in competition with other African American candidates, and Latino candidates to be in competition with other Latino candidates, because there is a perception that only one African American and one Latino can be elected.

22. I cannot recall the last time I heard an at-large candidate express why the voters should elect him or her as opposed to any of the other candidates. There is a real absence of discussion about ideas or how to make things happen. Ward representation would create competition between candidates for access to a geographically concentrated community's votes, and would increase discussion of the issues. Candidates campaigning in poorer, predominantly African American and Latino neighborhoods would need to discuss issues affecting residents on the neighborhood level, such as code enforcement, local violence, effective policing, housing, and schools. In the at-large system, areas of the city can be neglected without any political consequence.

23. The problems on Rifle Street, where Arise is located, demonstrate the negative consequences of an at-large system. Traffic on our street is very dangerous. We organized Rifle Street residents and petitioned the Traffic Division to make the street one-way, but the agency did not make any changes. If the area was represented by its own City Councilor, then that City Councilor would have helped us to make Rifle Street one-way.

24. The School Department has cut bus services, and children must walk as far as two miles to school. This has a disproportionate impact on Latino and African American students who are forced to walk in areas with high crime rates and bad sidewalks.

25. It is very hard for African-American and Latino candidates to be elected in the at-large system. African-American and Latino candidates cannot count on the support of white voters, and without this support they cannot win elections.

26. Another reason the at-large system disadvantages Latino and African American candidates is the all-important role played by financial resources in the at-large system. Hard work is not enough to win at-large. White people have more established networks of family, friends and colleagues who tend to have more financial assets. In the at-large system, you must be able to reach enough people so that you will be one of the top 9 vote-getters out of a field of up to 18, and maybe more than that in the primary. You can do that in a few ways. It helps if you have a high profile going into the election, and white people have had the opportunity to build those kinds of positive profiles more easily. In addition, it costs a lot of money to reach all the people in the city. There are approximately 150,000 people in the city, too many to reach with volunteers. You have to reach everyone either by direct mail or through the mass media, and that costs a lot of money. This disadvantages people of color.

27. In 2003, when Alex Cortes ran for City Council, he was focused on the issues, but could not compete because he did not have the financial resources to get his message to the entire city. Because he did not have money to buy newspaper ads, he issued press releases to try to get information about his campaign into the paper. The newspaper was not interested in covering his press releases, however. He was very well known where he lived because of his work on neighborhood issues including housing rehabilitation and the neighborhood watch. Despite all of his efforts, he was not able to win the support of the city's white voters, and he was not elected.

28. I am absolutely certain that voter turnout would increase under a ward representation system. Arise has conducted several campaigns to increase voter turnout. It is easier to convince Springfield voters to participate in state elections than in city elections. In state elections, people have a sense of ownership because they vote for their State Representative and their State Senator. This element is missing in the city elections.

29. In 1997, Arise organized a campaign to put a question on the ballot about changing the City Council from 9 members elected at large to 8 members elected from districts and 3 members elected at large. The 8-and-3 proposal resulted from our discussions with other community organizations that worked with us during the campaign. I cannot recall a single community organization we spoke to that was opposed to the initiative. The support was bipartisan and broad, including groups as diverse as the Spanish American Union, the NAACP, the Million Man March Committee, and the Springfield Republican Party.

30. We gathered over seven thousand signatures, more than enough to put a binding question on the ballot. I understand that Arise became the first community group in a very long time to succeed in placing a binding initiative on the Springfield ballot.

31. In order to bind the city, however, the initiative needed approval from one third of all registered voters. We knew it was unlikely that the initiative would receive that many votes. Nonetheless, certain City Councilors, including William Foley, pledged that they would support a change to ward representation if the initiative won a majority of the vote.

32. The initiative passed with the support of 58% of those people who voted on the question. The initiative won in every ward, but support was highest in Wards 1 and 4, which are predominantly Latino and African American, and lowest in Ward 7, which is predominantly

white. Because fewer than one third of registered voters approved the initiative, however, the vote did not change the system. Only 23% of all registered voters voted at all in the 1997 election. We took some consolation from the fact that ward representation received more votes than the top vote-getter, William Foley, in the 1997 City Council election.

33. Despite the Councilors' pledges before the election, the City Council never approved a change to ward elections.

34. The needle exchange proposal in Springfield also illustrates the drawbacks of an at-large electoral system. In the late 1990s, Springfield had the thirteenth highest per capita HIV infection rate in the country. Intravenous drug use was the leading cause of infection in the city. Massachusetts had passed a state law allowing the establishment of five pilot programs for needle exchange, and communities such as Northampton implemented such programs.

35. Intravenous drug use is an issue that particularly affects the African American and Latino communities in Springfield. In the white community, where drug abuse and addiction is more hidden, drug addiction is not seen as a public health issue. It is seen as either a criminal justice issue or an issue of morality.

36. Springfield's Public Health Council declared a state of emergency on account of the HIV/AIDS crisis. In 1998, the City Council voted 5-4 to establish a needle exchange program.

37. Almost immediately, a group called Citizens Against Needle Exchange ("CANE") emerged in opposition to needle exchange. CANE's campaign was racist, both in content and execution, because it promoted negative racial stereotypes about drug users. CANE

attempted to gather enough signatures to place a referendum on the ballot regarding needle exchange, but they did not succeed. Nonetheless, the question somehow ended up on the ballot as a nonbinding initiative. The City voted in opposition to the needle exchange program, although Wards 1 and 4 voted in support of the program. Even though the needle exchange referendum was nonbinding, the City Council subsequently voted 5-4 to rescind its prior vote, with the Council's sole African American, Bud Williams, joining the nay votes. The needle exchange program was stopped from going forward in Springfield.

38. In 2006, the state implemented a program that permits pharmacies across the state to sell syringes over-the-counter.

39. It always has been interesting to me that CANE's nonbinding referendum on needle exchange resulted in the City Council voting to oppose a measure that was supported by many African American and Latino voters, while Arise's binding referendum on ward representation failed to push the City Council to act to change the at-large election system.

40. Springfield's at large city council system worked in favor of CANE's successful efforts to win mayoral approval for a referendum on needle exchange. A majority of the City Council members live in predominantly white and wealthier neighborhoods, which are less affected by intravenous drug use and by HIV/AIDS.

41. I worked on outreach for Carol Lewis Caulton's campaigns in 1999, when she was elected, and in 2001, when she lost her seat. Her defeat in 2001 was a scary lesson for communities of color. Usually, Springfield politicians have a leg up if they are incumbents, but that rule does not apply to candidates of color. In addition to Lewis-Caulton, African American candidates Bob McCollum and Morris Jones were defeated as incumbents. I attribute this to the

fact that it is so hard for candidates of color to be elected at all. To sustain support also can be difficult. There are fewer institutions that are designed to support people of color and to make sure that they remain represented in government. Because of the legacy of racism, social networks that exist for white people tend to be older, to reach deeper, and to be more financially strong. When you think of the longstanding history of Irish, Italian, and even English political networks in Springfield, you realize that white people have an advantage.

Signed under penalties of perjury, this 26 day of January, 2007.


Michaelann Bewsee

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 2, 2007.

/s/ Paul E. Nemser